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Kevin Michael Wueste

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EXAMINER

JEAN GILLES, JUDE

ART UNIT

PAPER NUMBER

2143

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/023,285

Applicant(s)

WUESTE, KEVIN MICHAEL

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Action is in regards to the Reply received on 06/22/2007.

#### ***Response to Amendment/Arguments***

2. In the claims, claims 1-23 remain pending in the application with claims 1 amended. Claims 1-23 represent a method and system for a "CONCENTRIC USER-TARGETING DELIVERY SYSTEM AND METHODS."

Applicants' arguments with respect to independent claims 1, 17, and 22 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the existing ground of rejection as explained here below. Applicants' have made no substantial amendments to the independent as to perhaps place them in condition for allowance.

The dependent claims stand rejected as articulated in the Previous Office Action and all objections not addressed in Applicants' response are herein reiterated.

In response to Applicants' arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

Applicants' Request for Reconsideration filed on 06/22/2007 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention:

A: Applicants contend that Sankuratripati does not disclose a range of concentric user-targeted content that is correlated in varying degrees to one or more of a user's preferences. Rather, Sankuratripati suffers from the same deficiency identified by Applicant with respect to existing profiling systems; namely, aligning content around specific subject matter areas, and not accounting for the user's preferences *in totem*.

B: Applicants submit that, Sankuratripati does not teach a range of concentric user-targeted content that is correlated in varying degrees to one or more of a user's preferences. Applicant respectfully submits, therefore, that claim 1 patentably defines over the cited reference. Independent claim 17 recites, in part, a range of concentric user-targeted content that is matched to the user's preference with varying degrees of certainty. Independent claim 22 recites, in part, a range of concentric user-targeted content that includes content levels differing on a graduated basis. Applicant respectfully submits, therefore, that claims 17 and 22 patentably define over the cited reference for at least the same reasons discussed above. As claims 2-16 depend from claim 1, claims 18-21 depend from claim 17, and claim 23 depends from claim 22, Applicant further submits that the dependent claims are likewise allowable.

As to point A, it is the position of the Examiner that Sankuratripati in detail teaches the limitations of the above mentioned claims. However, in view of Applicant's remarks, The Office respectfully concludes that the applicant mischaracterizes the teachings of Sankuratripati. For instance, Applicants have selected portions of the Sankuratripati to contend the rejection without capturing the essence of the prior art teachings. Specifically, Sankuratripati discloses a profiling system that communicates

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user targeted data based on user preferences so that various levels of user profiling data can be provided to organizations that deliver ads to those users (see column 3, lines 1-7; column 13, lines 10-54; see summary of the invention). As a result, independent claims 1, 17, and 22, and their dependencies are rejected as indicated below.

As to point B, see point A above, also see rejection of claims 1, 17, and 22 below.

Examiner notes that applicants have failed in presenting claims and drawings that delineate the contours of this invention as compared to the cited prior art. Applicants have failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 102(e) anticipation rejections applied against the claims, the rejection is therefore sustained.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by

Sankuratipati et al (Sankuratipati), Patent No. 7,155,508 B2.

Regarding **claim 1**, Sankuratipati discloses

1. (Currently amended) A system to generate and deliver concentric user-targeted content to participating users (fig. 3) comprising:

a data store having data representative of a participating user's profile information and/or data representative of said participating user's content usage information (fig. 3, item 53; column 10, lines 15-21);

a content data store, said content data store having various content for display to said participating user (fig. 3, item 57; column 10, lines 25-31);and

an instruction set cooperating with said data store and said content data store, wherein said instruction set operates on data from said data store to generate a preference for participating user (fig. 3, items 53 & 57; column 10, lines 15-41; column 15, lines 47-67), and

wherein said instruction set further operates on said generated preference to obtain a range of concentric user-targeted content from said content data store such that said range of content is correlated in varying degrees to said generated preference for said participating user (column 16, lines 1-12; column 17, lines 32-42, continue next column, lines 1-11; column 13, lines 10-54).

2. (Currently amended) The system as recited in claim 1, wherein said profile information is input by said participating user for storage on said data store(fig. 3, item 53; column 10, lines 15-21).

3. (Original) The system as recited in claim 2, wherein said profile information

comprises demographic and/or preference information for said participating user (fig. 3, item 53; column 10, lines 15-21).

4. (Original) The system as recited in claim 1, wherein said usage information comprises current and historical usage information (column 9, lines 29-35).

5. (Currently amended) The system as recited in claim 1, wherein said instruction set implements a matching algorithm, said matching algorithm accepting as input said data from said one or more data store and generating said preference (see step 73; also see column 14, lines 8-40; note that a matching algorithm is only inherent to the process of matching data the generate the preference).

6. (Currently amended) The system as recited in claim 5, wherein said at least one a matching algorithm accepts said preference and said content from said content data store as input to generate said range of concentric content (see step 73; also see column 14, lines 8-40).

7. (Previously presented) The system as recited in claim 1, wherein said range of concentric content comprises at least two differing content offerings (column 14, lines 18-32).

8. (Original) The system as recited in claim 7, wherein said differing content offerings differ from each other on a graduated basis (column 14, lines 18-64).

9. (Original) The system as recited in claim 8, wherein said varying degrees are based on said content usage information (column 14, lines 18-64).

10. (Previously presented) The system as recited in claim 7, wherein said range of concentric content comprises three differing concentric content offerings, said differing

concentric content offerings differing from each other on a graduated basis(column 14, lines 18-64).

11. (Currently amended) The system as recited in claim 1, wherein said one or more data store and content data store operate in a computing environment (fig. 3, item 53).

12. (Currently amended) The system as recited in claim 11, wherein said at least one instruction set comprises a computing application (column 16, lines 1-13).

13. (Currently amended) The system as recited in claim 12, wherein said range of concentric content is delivered to said participating user over a communications network (fig. 3, items 47, 49, 63, and 65).

14. (Previously presented) The system as recited in claim 13, wherein said communications network comprises any of a wireless LAN, a fixed wire LAN, a wireless WAN, a fixed wire WAN, a wireless intranet, a fixed wire intranet, a wireless extranet, a fixed wire extranet, a wireless peer-to-peer communications network, a fixed wire peer-to-peer communications network, and the Internet (fig. 3, items 47, 49, 63, and 65).

15. (Original) The system as recited in claim 13, wherein said range of concentric content is displayable in electronic display panes (fig. 3, items 63, and 65).

16. (Original) The system as recited in claim 15, wherein said electronic display panes are part of a content browser computing application (fig. 3, item 65).

17. (Currently amended) A computer implemented method to generate concentric user-targeted content for a participating user (fig. 3), comprising the steps of:

receiving user data from a data store having data indicative of a participating user's profile information and/or data indicative of said participating user's content usage information (fig. 3, item 53; column 10, lines 15-21);

receiving content from a content data store (fig. 3, item 57; column 10, lines 25-31);

generating a preference for said participating user based on said user data (fig. 3, items 53 & 57; column 10, lines 15-41; column 15, lines 47-67);

matching said generated preference with said content to generate a range of concentric user-targeted content that is matched to said generated at least one preference for said participating user with varying degrees of certainty (column 16, lines 1-12; column 17, lines 32-42, continue next column, lines 1-11; column 13, lines 10-54).

18. (Previously presented) The method as recited in claim 17 further comprising the step of:

distributing said range of concentric user-targeted content to said participating user over a cooperating communications network (fig. 3, items 47, 49, 63, and 65).

19. (Currently amended) The method as recited in claim 17, wherein said matching step comprises the step of:

applying a matching algorithm to said preference and said content (see step 73; also see column 14, lines 8-40; note that a matching algorithm is only inherent to the process of matching data the generate the preference).

20. (Currently amended) The method as recited in claim 17, further comprising the step of:

communicating with a content partner to obtain additional content for use

when generating said range of concentric content (fig. 3, item 62).

21. (Original) A computer readable medium having computer readable instructions to perform the method as recited in claim 17 (fig. 3).

22. (Currently amended) A method to generate and deliver concentric user-targeted content (fig. 3) comprising the acts of:

providing a data store having data indicative of a participating user's profile information and/or data indicative of said participating user's content usage information (fig. 3, item 53; column 10, lines 15-21);

providing a content data store, said content data store having content from at least one a content service provider (fig. 3, item 57; column 10, lines 25-31); and

providing a computing application, said computing application cooperating with said data store and said content data store to generate a preference from said profile information and said content usage information, wherein said computing application processes said preference along with said content to determine a range of concentric user-targeted content, said range of concentric user-targeted content including content levels differing on a graduated basis (fig. 3, items 53 & 57; column 10, lines 15-41; column 15, lines 47-67); and

delivering said generated range of concentric user-targeted content to said participating user over a communications network, said communications network cooperating with said computing application (column 16, lines 1-12; column 17, lines 32-42, continue next column, lines 1-11; column 13, lines 10-54).

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23. (Currently amended) The method as recited in claim 22, wherein said providing said content data store step further comprises cooperating with a content partner to obtain said content (fig. 3, item 62).

### ***Conclusion***

5. Applicants' have made no amendment to necessitate new grounds of rejection.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

August 26, 2007



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